

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTOPHER E. LENHART,)	
)	CASE NO. 1:14CV2310
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
ALAN LAZAROFF, Warden,)	
)	<u>MEMORANDUM OF OPINION</u>
Respondent.)	<u>AND ORDER</u>

On October 16, 2014, *Pro se* Petitioner Christopher E. Lenhart filed the above-captioned habeas corpus action under [28 U.S.C. § 2254](#). Lenhart challenges his convictions, pursuant to a guilty plea, for burglary, kidnapping, notice of change of address, and intimidation of crime victim or witness.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. In addition, a petitioner must have exhausted all available state remedies. [28 U.S.C. § 2254\(b\), \(c\)](#).

It is evident on the face of the Petition ([ECF No. 1 at PageID #: 5-6](#)) that Lenhart has not exhausted his state court remedies, as he has a post-conviction motion pending in the Cuyahoga County, Ohio Court of Common Pleas ([Case No. CR-12-558148-A](#)) in which he asserts he was

(1:14CV2310)

denied the effective assistance of trial counsel—a claim also set forth in the instant case. The petition is thus premature.

Accordingly, the request to proceed *in forma pauperis* ([ECF No. 2](#)) is granted, the petition is denied, and this case is dismissed without prejudice pursuant to [Rule 4 of the Rules Governing Section 2254 Cases](#). The Court certifies pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#) that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. [28 U.S.C. § 2253](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

January 30, 2015
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge